

FILED: April 12, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1225
(1:20-cv-00363-LMB-MSN)

JAMES TOLLE,

Plaintiff - Appellant,

v.

GOVERNOR RALPH NORTHAM; COMMONWEALTH OF VIRGINIA,

Defendants - Appellees.

O R D E R

James Tolle seeks to appeal the district court's February 17, 2021, order cancelling his noticed hearing and has moved this court for a preliminary injunction and stay pending appeal and to expedite decision on that motion. Appellees move to dismiss the appeal for lack of jurisdiction.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-47 (1949). The order Tolle seeks to appeal is neither a final order nor an appealable interlocutory or collateral order.

Accordingly, we grant Appellees' motion to dismiss the appeal for lack of jurisdiction. We deny Tolle's motions for a preliminary injunction and stay pending appeal and to expedite decision.

Entered at the direction of the panel: Judge Keenan, Judge Thacker, and Senior Judge Shedd.

For the Court

/s/ Patricia S. Connor, Clerk